



Entered on Docket
September 23, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining First Omnibus Objection
Of USACM Trust To Proofs Of Claim
Based Entirely Upon Investment In The
Gardens Timeshare Loan**

Hearing Date: August 30, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Gardens Timeshare Loan," ("Gardens Timeshare Loan") [DE 8672] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no

1 response to the Objection having been filed; the Court noting on the record that the
2 disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to
3 repayment by the borrower or from the collateral securing the Gardens Timeshare Loan;
4 and good cause appearing:

5 **IT IS ORDERED** that:

- 6 1. The Objection [DE 8672] is sustained; and
- 7 2. The claims listed on **Exhibit A** attached are disallowed in full because those
8 claims are based entirely upon an investment in the Gardens Timeshare Loan.

9
10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**
12

13 By /s/ John Hinderaker (AZ #018024)

14 Robert M. Charles, Jr.

15 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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USACM Trust
The Gardens, LLC – Time Share Loan
Single Loan Claims

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In The Gardens, LLC Timeshare Loan
10725-01711	12/11/06	Abrams Living Trust Dtd 10/23/96	c/o Anne E. Abrams Trustee 10490 Wilshire Blvd., Apt. 703 Los Angeles, CA 90024-4657	\$1,699.89	\$1,699.89
10725-01622	12/8/2006	Addes Trust	Kenneth and Victoria Addes Ttees 100 W. Broadway, Apt. 7V Long Beach, NY 11561-4019	\$54,774.54	\$54,774.54
10725-01628	12/6/2006	Sigfried Baker	8057 Lands End Las Vegas, NV 89117	\$50,000.00	\$50,000.00
10725-01845	1/4/2007	Dina Ladd	355 Mogul Mtn. Drive Reno, NV 89523	\$25,000.00	\$25,000.00
10725-01353	11/13/2006	Stephen and Patricia Lincoln Trust Dtd 8/23/03	c/o Stephen and Patricia Lincoln Trustees P.O. Box 2441 Carson City, NV 89702-2441	\$4,079.74	\$4,079.74
10725-01246	11/10/2006	John E. and Sharon M. McKennon	1017 Long Point Rd Grasonville, MD 21638-1074	\$1,699.99	\$1,699.99
10725-00678	10/23/2006	Richard A. Nielsen, Inc.	1305 Bonnie Cove Ave Glendora, CA 91740-5204	\$100,000.00	\$100,000.00
10725-02424	1/12/2007	Nancy C. Serino IRA	177 Rainbow Drive, #7730 Livingston, TX 77399-0001	\$32,824.37	\$32,824.37
10725-02508	6/5/2007	Patricia Ann Webber	9072 Prosperity Way Fort Myers, FL 33913	Unknown	Unknown

EXHIBIT A

272603.1